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PTO/SB/51 (10-05)

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# REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

97-rTRN-366 RE#1 Div #1

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,067,871, granted 05/30/2000 and for which a reissue patent is sought on the invention entitled Variable Resistance Shift Rail Detent Assembly and Shift

Control Method Employing Same

the specification of which

☐ is attached hereto.

☒ was filed on 09/05/2003 as reissue application number 10/657,058

and was amended on 09/22/2004, 12/09/2004, 03/21/2005 and 04/29/2005  
(if applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

The reissue is a broadening reissue. The broadening is intended to add claims which cover the embodiment of Figure 7. The specific error is not claiming the specific structure of Figure 7, and that the structure is a first operator movable to a first position for selection of an accessory otherwise unconnected to the transmission, or, in the alternative, means for sensing a requirement to maintain said selected position clutch member in said disengaged position and for providing an intent-to-maintain signal thereof, said intent-to-maintain signal being dependent on the operation of an accessory otherwise unconnected with the transmission.

(continued on p. 2)

Page 1 of 5

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

Best Available Copy

The Proposed Amendment to the Specification of December 9, 2004 provides support for reference numeral 200 of Figure 7. Reference numeral 200 was previously not used in the Detailed Description, even though it appeared in Figure 7 in the granted patent. The Proposed Amendment makes the numbering in the Detailed Description consistent with the reference numerals appearing in the Figures. Support for this Proposed Amendment is found in Figure 7 of the granted patent, and in the reference to a heater control in column 9, line 59 of the patent as granted.

The amendments to the claims are consistent with the above stated summary of the error. The amendments are supported by the granted patent as published on 5/30/2000.

Support for claim 8 is principally in claim 5 of the granted patent, but for several differences addressed below.

Support for lines 9-12 of claim 8 reading "a first operator selector movable to a first position for selection of a first mode of operation of an accessory otherwise unconnected with the transmission and said first operator selector movable to a second position for selection of a second mode of operation of said accessory" is found in column 9, lines 54-64 and in Figure 7 of the granted patent. The "accessory" of the claim corresponds to the heater of the cited portion of the Detailed Description.

Support for the limitations found in the last clause of claim 8 relating to the selection of the first and second mode of operation of the accessory and determination of the driver intent to shift, are supported by the original Detailed Description, column 9, lines 54-64, Figure 7 and, column 8, lines 47-57 of the Detailed Description.

Support for claim 10 is principally found in claim 1 of the granted patent. Support for variations of claim 1 is found as indicated below. The language "for a motor vehicle, the transmission being a compound mechanical transmission with a main transmission section shifted by a shift member in combination with an auxiliary section, as recited in claim 10, lines 2-4, is found in column 3, lines 26-35 of the published granted patent.

Support for the clause reading "means for sensing a requirement to maintain said selected positive clutch member in said disengaged position and for providing an intent-to-maintain signal thereof, said intent-to-maintain signal being dependent on the operation of an accessory otherwise unconnected with the transmission," lines 9-12 of claim 10, is found in column 9, lines 54-64 of the published granted patent.

Support for lines 20-22 of claim 10 reading "a second operator selector movable to a first position for selection of upshifts to a target ratio and movable to a second position for

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Support for claim 12 is primarily found in claim 1 of the granted patent. Support for additional limitations to claim 1 found in claim 12 is established as follows.

Support for lines 11-14 of claim 12 is found in column 9, lines 54-64. Support for lines 22-28 of claim 12 is found in column 9, lines 54-64, Figure 7 and column 9, lines 25-32. Claim 12 is amended in the amendment submitted herewith to incorporate the limitation of the transmission being a compound transmission with a main transmission section in combination with an auxiliary section to avoid inappropriate recapture.

Support for claim 13, lines 1-5 is found in column 5, lines 29-45. Support for claim 13, lines 6-7 is found in column 8, lines 64-67 and column 9, lines 1-7.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) 97-rTRN-366 RE#1 DIV #1	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.			
Note: To appoint a power of attorney, use form PTO/SB/51.			
Correspondence Address: Direct all communications about the application to:			
<input type="checkbox"/> The address associated with Customer Number:			
OR			
<input checked="" type="checkbox"/> Firm or Individual Name	Kevin M. Hinman		
Address	26201 Northwestern Hwy., P.O. Box 766		
City	Southfield	State	MI Zip 48076
Country	U.S.A.		
Telephone	(248) 226-6822	Email	KevinMHinman@eaton.com
<p align="center"><b>WARNING:</b></p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.</p>			
Full name of sole or first inventor (given name, family name)			
Ronald K. Markyvech			
Inventor's signature		Date	
Ronald K. Markyvech		JUNE 26, 2006	
Residence		Citizenship	
23260 Outer Drive, Allen Park, MI 48101		U.S.A.	
Mailing Address			
same as above			
Full name of second joint inventor (given name, family name)			
Thomas N. Riley			
Inventor's signature		Date	
Residence		Citizenship	
4802 Fountain Square, Kalamazoo, MI 49009		U.S.A.	
Mailing Address			
same as above			
<input checked="" type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.			

Page 4 of 5

PTO/SB/02A (09-04)  
Approved for use through 07/31/2006, OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION		ADDITIONAL INVENTOR(S) Supplemental Sheet	
		Page <u>5</u> of <u>5</u>	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Thomas G.		Ore	
Inventor's Signature		Date	
2413 Minnetonka Dr., Cedar Falls	IA	U.S.A.	U.S.A.
Residence: City	State	Country	Citizenship
same as above			
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
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Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
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Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

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Docket Number (Optional)

97-rTRN-366 RE#1 Div #1

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,067,871, granted 05/30/2000 and for which a reissue patent is sought on the invention entitled Variable Resistance Shift Rail Detent Assembly and Shift

Control Method Employing Same

the specification of which

☐ is attached hereto.

☒ was filed on 09/05/2003 as reissue application number 10/657,058

and was amended on 09/22/2004, 12/09/2004, 03/21/2005 and 04/29/2005  
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(continued on p. 2)

Page 1 of 5

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The amendments to the claims are consistent with the above stated summary of the error. The amendments are supported by the granted patent as published on 5/30/2000.

Support for claim 8 is principally in claim 5 of the granted patent, but for several differences addressed below.

Support for lines 9-12 of claim 8 reading "a first operator selector movable to a first position for selection of a first mode of operation of an accessory otherwise unconnected with the transmission and said first operator selector movable to a second position for selection of a second mode of operation of said accessory" is found in column 9, lines 54-64 and in Figure 7 of the granted patent. The "accessory" of the claim corresponds to the heater of the cited portion of the Detailed Description.

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Support for claim 10 is principally found in claim 1 of the granted patent. Support for variations of claim 1 is found as indicated below. The language "for a motor vehicle, the transmission being a compound mechanical transmission with a main transmission section shifted by a shift member in combination with an auxiliary section, as recited in claim 10, lines 2-4, is found in column 3, lines 26-35 of the published granted patent.

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Support for claim 13, lines 1-5 is found in column 5, lines 29-45. Support for claim 13, lines 6-7 is found in column 8, lines 64-67 and column 9, lines 1-7.



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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) 97-TRN-366 RE#1 DIV #1	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.			
Note: To appoint a power of attorney, use form PTO/SB/81.			
Correspondence Address: Direct all communications about the application to:			
<input type="checkbox"/> The address associated with Customer Number: <span style="border: 1px solid black; display: inline-block; width: 300px; height: 1.2em; vertical-align: middle;"></span>			
OR			
<input checked="" type="checkbox"/> Firm or Individual Name	Kevin M. Hinman		
Address	26201 Northwestern Hwy., P.O. Box 766		
City	Southfield	State	MI Zip 48076
Country	U.S.A.		
Telephone	(248) 226-6822	Email	KevinMHinman@eaton.com
<p><b>WARNING:</b></p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.</p>			
Full name of sole or first inventor (given name, family name)			
Ronald K. Markyvech			
Inventor's signature		Date	
Residence		Citizenship	
23260 Outer Drive, Allen Park, MI 48101		U.S.A.	
Mailing Address			
same as above			
Full name of second joint inventor (given name, family name)			
Thomas N. Riley			
Inventor's signature		Date	
<i>Thomas N. Riley</i>		14 June 2006	
Residence		Citizenship	
4802 Fountain Square, Kalamazoo, MI 49009		U.S.A.	
Mailing Address			
same as above			
<input checked="" type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.			

Page 4 of 5

PTO/SB/02A (09-04)

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DECLARATION		ADDITIONAL INVENTOR(S) Supplemental Sheet	
		Page <u>5</u> of <u>5</u>	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Thomas G.		Ore	
Inventor's Signature		Date	
2413 Minnetonka Dr., Cedar Falls		U.S.A.	
Residence: City	IA State	Country	Citizenship
same as above			
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
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			Citizenship
Mailing Address			
City	State	Zip	Country

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(continued on p. 2)

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Support for the limitations found in the last clause of claim 8 relating to the selection of the first and second mode of operation of the accessory and determination of the driver intent to shift, are supported by the original Detailed Description, column 9, lines 54-64, Figure 7 and, column 8, lines 47-57 of the Detailed Description.

Support for claim 10 is principally found in claim 1 of the granted patent. Support for variations of claim 1 is found as indicated below. The language "for a motor vehicle, the transmission being a compound mechanical transmission with a main transmission section shifted by a shift member in combination with an auxiliary section, as recited in claim 10, lines 2-4, is found in column 3, lines 26-35 of the published granted patent.

Support for the clause reading "means for sensing a requirement to maintain said selected positive clutch member in said disengaged position and for providing an intent-to-maintain signal thereof, said intent-to-maintain signal being dependent on the operation of an accessory otherwise unconnected with the transmission," lines 9-12 of claim 10, is found in column 9, lines 54-64 of the published granted patent.

Support for lines 20-22 of claim 10 reading "a second operator selector movable to a first position for selection of upshifts to a target ratio and movable to a second position for

selection of downshifts to a target ratio" is found in column 6, lines 13-33 of the granted patent.

Support for lines 24 and 25 of claim 10 "wherein said intent-to-maintain signal is provided only if there is no such requirement to move sensed" is found in column 9, lines 54-64 of the published granted patent.

Support for claim 12 is primarily found in claim 1 of the granted patent. Support for additional limitations to claim 1 found in claim 12 is established as follows.

Support for lines 11-14 of claim 12 is found in column 9, lines 54-64. Support for lines 22-28 of claim 12 is found in column 9, lines 54-64, Figure 7 and column 9, lines 25-32. Claim 12 is amended in the amendment submitted herewith to incorporate the limitation of the transmission being a compound transmission with a main transmission section in combination with an auxiliary section to avoid inappropriate recapture.

Support for claim 13, lines 1-5 is found in column 5, lines 29-45. Support for claim 13, lines 6-7 is found in column 8, lines 64-67 and column 9, lines 1-7.

PTO/SB/51 (10-05)

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## (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

97-rTRN-366 RE#1 DIV #1

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

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Correspondence Address: Direct all communications about the application to:



The address associated with Customer Number:

OR

☒ Firm or  
Individual Name

Kevin M. Hinman

Address

26201 Northwestern Hwy., P.O. Box 766

City

Southfield

State

MI

Zip

48076

Country

U.S.A.

Telephone

(248) 226-6822

Email

KevinMHinman@eaton.com

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Full name of sole or first inventor (given name, family name)

Ronald K. Markyvech

Inventor's signature

Date

Residence

23260 Outer Drive, Allen Park, MI 48101

Citizenship

U.S.A.

Mailing Address

same as above

Full name of second joint inventor (given name, family name)

Thomas N. Riley

Inventor's signature

Date

Residence

4802 Fountain Square, Kalamazoo, MI 49009

Citizenship

U.S.A.

Mailing Address

same as above

☒ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.

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DECLARATION		ADDITIONAL INVENTOR(S) Supplemental Sheet	
		Page 5 of 5	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Thomas G.		Ore	
Inventor's Signature <i>Thomas G. Ore</i>		Date 6/22/06	
2413 Minnetonka Dr., Cedar Falls	IA	U.S.A.	U.S.A.
Residence: City	State	Country	Citizenship
same as above			
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
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